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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|-----------------|-------------|------------------------|-----------------------|------------------|
| 10/607,704      | 06/27/2003  | Brian Michael Kerrigan | RPS920030075US1/2849P | 9435             |

47052 7590 12/10/2004

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| EXAMINER |
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EDWARDS, ANTHONY Q

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2835

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                |                                 |  |
|------------------------------|--------------------------------|---------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/607,704  | Applicant(s)<br>KERRIGAN ET AL. |  |
|                              | Examiner<br>Anthony Q. Edwards | Art Unit<br>2835                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ✓ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/27/2003</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Claim Objections***

Claims 1-16 are objected to because of the following informalities: claims 1 and 9 recite “a latching mechanism” as well as “the latching member.” There is insufficient antecedent basis for “the latching member.” The Examiner believes that applicant may be using both terms interchangeably and, as such, requests that applicant be consistent in his/her use of claim terminology. Claims 2-8 depend, either directly or indirectly, from claim 1 and are rejected for at least the same reasons. Likewise, claims 10-16 depend, either directly or indirectly, from claim 9 and are also rejected for at least the same reasons. Appropriate correction is required.

Claims 8 and 16 are objected to because of the following informalities: the claims recite the limitation “the latch” at the end of each claim. There is insufficient antecedent basis for this limitation in the claim. The terms “latching mechanism” and “latching member” are recited previously in each claim, but not “the latch.” Appropriate correction is required.

Claims 9-16 are also objected to because of the following informalities: line 6 of claim 9 recites “the chassis.” It is noted, however, that both a “first chassis” and a “second chassis” are recited previously in the claim. The Examiner believes that applicant is referring to the “second chassis” here, since both the “first handle member” and the “second handle member” are coupled thereto in applicant’s specification. Appropriate correction is required.

Furthermore, line 5 of claim 9 recites “the blade.” There is insufficient antecedent basis for this limitation in the claim. Claims 10-16 depend, either directly or indirectly, from claim 9 and are objected to for at least the same reasons. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,669,497 to Westphall et al. (“Westfall” hereinafter). Referring to claims 1 and 9, Westphall discloses a server system and handling system for use with a blade (42), the blade being within a server system, inherently comprising a first chassis (not shown), a plurality of servers (40) located within the first chassis, each of the plurality of servers including a handling system (see Fig. 1) coupled thereto, the handling system comprising a second chassis (not numbered) for holding the blade (42), a first handle member (60) coupled to the second chassis, a second handle member (60) coupled to the chassis and being oppositely disposed to the first handle member, and a latching mechanism (44/56) which holds the first and second handle member (60) in a retracted position when engaged therewith and the latching member (*sic*) when activated causes the first and second handle members to spring out to a point where the first and second handle members can be used to remove the second chassis from the first chassis. See Figs. 1-5 as well as col. 3, lines 66 and 67 and col. 4, lines 1-15.

Referring to claims 2 and 10, Westphall discloses a server system and handling system, wherein the latching mechanism (44/56) is spring loaded. See col. 3, lines 54-57.

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Referring to claims 3 and 11, Westphall discloses a server system and handling system, wherein the latching mechanism (44/56) further comprises an actuator button (46), a first cam member (58) engageably coupled to the actuator button, a second cam member (58) engageably coupled to the actuator button and oppositely disposed to the first cam member (see Fig. 2), the first cam member (58) holding the first handle member (60) in a retracted position and the second cam member (58) holding the second handle member (60) in a retracted position when the actuator button (46) is engaged with the first and second cam members (58), see Figs. 1, 2 and 4 and the corresponding specification, the first and second handle members (60) spring out when the actuator button (46) is depressed therein disengaging the first and second cam members. See Figs. 3 and 5 and the corresponding specification.

Referring to claims 4 and 12, Westphall discloses a server system and handling system, wherein each of the first and second cam members (58) is spring loaded. See col. 3, lines 54-57.

Referring to claims 5 and 13, Fig. 1 of Westphall shows a server system and handling system, wherein the handle members (60) can be conformed to a specified dimensional footprint when in a retracted position.

Referring to claims 6 and 14, Westphall discloses a server system and handling system, wherein the first and second handle members (60) can be latched simultaneously. See col. 4, lines 28-43.

Referring to claims 7 and 15, Westphall discloses a server system and handling system, wherein the first and second handle members can inherently be latched independently. See col. 4, lines 33-43, which teaches each handle being independently “pushed down.”

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Referring to claims 8 and 16, Westphall discloses a server system and handling system as claimed. Although the specific teaching is not provided in Westphall of a spring coupled to each handle member (i.e., means), and wherein each spring acts (i.e., functions) to spring the handle member out as well as spring-load the latch, Westphall does teach providing a curved tip (72), see Figs. 4 and 5, that acts as a spring to move the handle member (60) out as well as spring-load the latch (56). As Stated in MPEP 2186, in determining equivalence, "[a]n analysis of the role played by each element in the context of the specific patent claim will thus inform the inquiry as to whether a substitute element matches the function, way, and result of the claimed element, or whether the substitute plays a role substantially different from the claimed element." See 41USPQ2d at 1875. In the instant case, the substitute element(s) "curved tip(s)" of Kitahara perfectly match the function, way, and result of the claimed elements (i.e., the "spring") of the present invention.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 5,928,016 to Anderson et al.; U.S. Patent No. 5,793,614 to Tollbom; and U.S. Patent No. 4,925,397 to Mirand et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

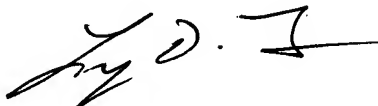
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 7, 2004

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